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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,233	11/06/2001	H. Holden Thorp	5470-107BDV3	1504
20792	7590	08/25/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			FORMAN, BETTY J	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

1634

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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NOTICE OF NON-COMPLIANT AMENDMENT

The timely submission under 37 CFR 1.129(a) filed on 9 June 2004 is not fully responsive to the prior Office action because the amendment to the first paragraph is incorrect as detailed below:

The originally filed specification contained the following first paragraph which, for purposes of clarity, this first paragraph will be referred to a "first paragraph A":

"This application is a continuation-in-part of copending application Serial No. 08/495,817 filed June 27, 1995, and is a continuation-in-part of copending application Serial No. 60/016,265 filed April 19, 1996, the disclosures of which are incorporated by reference herein in their entirety."

A preliminary amendment was filed with the originally filed specification. The preliminary amendment incorrectly inserted a "first paragraph B", without deleting "first paragraph A". "First paragraph B" correctly cross-references all parent applications for the instant application but was objected to in the previous office action because it did not reflect the U.S. Patent No. for parent application 09/603,217. In reply to the objection, Applicant has amended "first paragraph A" to cross-reference all parent applications using similar wording of "first paragraph B".

Hence, the specification, as amended, contains "first paragraph A" and "first paragraph B" which are similar but not identical.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or

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THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic

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Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.



BJ Forman, Ph.D.
Primary Examiner
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August 24, 2004